CRIME

GLOBAL CHALLENGE
GLOBAL RESPONSE

UNITED NATIONS CRIME CONGRESS
HAVANA, CUBA-1990

best copy available

Preview: Eighth UN Crime Congress

To crush crime, humanize justice

UN Photo

Crime fighters meet in Havana, Cuba
27 August–7 September 1990

A new breed of crime fighters from all over the world will assemble in Havana, Cuba, from 27 August to 7 September 1990, in a major international effort to hinder the growth of criminality everywhere—from petty or violent street crime bred by drug addiction, poverty or despair to increasingly sophisticated "white collar" crimes and organized crime syndicates.

From the *UN Chronicle*
Volume XXVII • Number 2 • June 1990

Hundreds of ambassadors and other diplomats and representatives of international and non-governmental organizations will join police chiefs, wardens, criminologists, attorneys, judges and ministers of interior and justice, among others, in this global exercise against crime—the Eighth UN Congress on the Prevention of Crime and the Treatment of Offenders.

"International Co-operation in Crime Prevention and Criminal Justice for the 21st Century" is the theme of the Eighth Congress. Its five-point substantive agenda deals with international terrorism and organized crime, especially drug trafficking, juvenile justice conditions for prisoners worldwide, and community-based alternatives to traditional imprisonment.

At least 14 new international documents pertaining to crime prevention and control, including five model treaties, are expected to be approved, and the creation of a world crime foundation is to be considered.

The Congress will also focus on ways to combat crimes against the cultural patrimony and the environment, governmental corruption and organized crime, money laundering and financial fraud.

It will continue the process of humanization of criminal justice that began in 1955 when the first UN Crime Congress adopted a landmark bill of rights for inmates —a set of Standard Minimum Rules for the Treatment of Prisoners.

In the Cuban capital, participants will also seek to replace the traditional approach to criminal justice with a more comprehensive one that takes into account social, political and economic factors.

Overcrowded prisons and the spread of acquired immuno-deficiency syndrome (AIDS) among inmates may lend a particular poignancy to debates on prison management. Preventive measures, particularly for juveniles, will be stressed.

UN Photo

To improve juvenile justice...

Thriving transnational criminality

"The key importance of the Congress derives from the fact that transnational criminality has become one of the most pressing problems confronting contemporary society", Secretary-General Javier Pérez de Cuéllar reported to the forty-fourth General Assembly session.

Transnational criminality "is thriving at unprecedented levels and in ways previously unheard of", he added. It threatens the lives, security and property of individuals and communities, and has profound political implications.

Mr. Pérez de Cuéllar stated that violence within nations and across national boundaries strains public institutions because of the social and political upheaval it causes, "most brutally epitomized in terrorism". World-wide trafficking in drugs and other forms of organized crime are especially serious manifestations of this phenomenon, he said.

"Criminality, once traditionally regarded as being of purely domestic concern, can no longer be tackled by Governments individually.

The anti-crime agenda

The following items are on the provisional agenda for the Eighth Congress:

- **Topic 1:** *Crime and Development*—Crime prevention and criminal justice in the context of development: realities and perspectives of international co-operation
- **Topic 2:** *Prison and Alternatives*—Criminal justice policies in relation to problems of imprisonment, other penal sanctions and alternative measures
- **Topic 3:** *Organized Crime and Terrorism*—Effective national and international action against *(a)* organized crime; and *(b)* terrorist criminal activities
- **Topic 4:** *Juvenile Justice*—Prevention of delinquency, juvenile justice and the protection of the young: policy approaches and directions
- **Topic 5:** *United Nations Guidelines*—United Nations norms and guidelines in crime prevention and criminal justice: implementation and priorities for further standard setting.

READEX FICHE

Its political, economic, social, cultural and human costs can only be substantially reduced by nations acting in concert", the Secretary-General concluded.

Ground-breaking work

UN Crime Congresses have met every five years since the first one in Geneva in 1955. They have played a crucial role in the formulation of international instruments in that field. The Seventh Congress (Milan, Italy, 1985) adopted a ground-breaking declaration seeking compassionate and respectful treatment for victims of crime and abuse of power.

The Eighth Congress will assess how countries are applying measures recommmended by past conclaves, in particular the Milan gathering. In addition to the Milan Plan of Action, which focuses on crime prevention and criminal justice in the context of development, the Seventh Congress adopted guidelines for crime prevention in the context of development, and instruments on juvenile justice ("The Beijing Rules"), independence of the judiciary, and transfer and treatment of foreign prisoners.

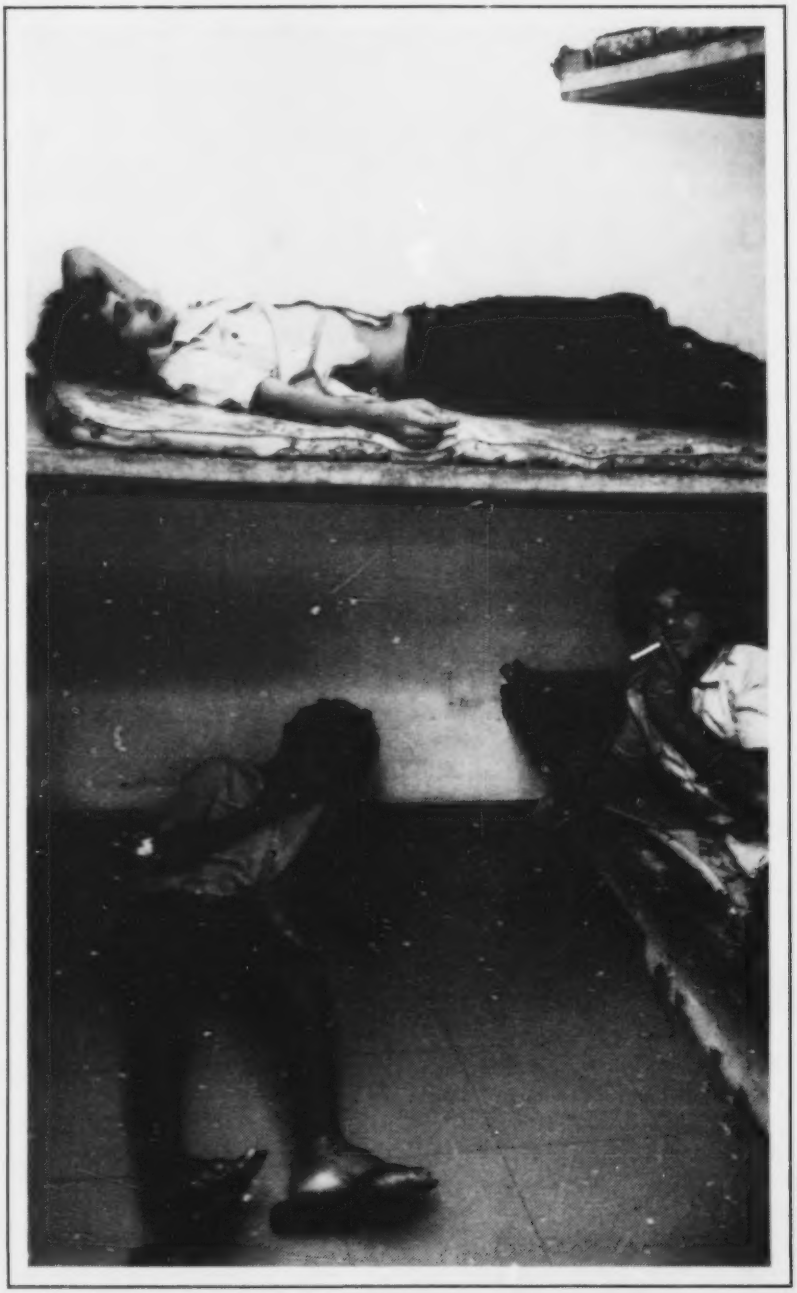
Five new treaties

The 14 major texts expected to be approved include five model treaties: on prevention of crime against cultural heritage, extradition, mutual assistance in judicial matters, transfer of supervision of offenders, and transfer of criminal proceedings.

Other texts would set guidelines on the role of lawyers and prosecutors, use of force and firearms by law enforcement officials, prevention of juvenile delinquency, protection of juveniles deprived of their liberty, and non-custodial measures. An inventory of measures for crime prevention, a manual on measures against corruption, another on computerization of criminal justice, and a guide for practitioners dealing with victims are also to be submitted to the Congress.

These documents, along with 10 draft resolutions on issues ranging from urban crime and sentencing policies to protection of human rights of victims of crime and abuse of power and computerization of criminal justice, were recommended by the UN Committee on Crime Prevention and Control as it wound up preparations for the Eighth Congress.

At its eleventh session (Vienna, 5-16 February), the body also adopted three resolutions by consensus—one proposing a world foundation for crime control and assistance to victims—and recommended a text on prison education



UN Photo 154974

and five other drafts for action by its parent body, the Economic and Social Council.

The proposed foundation would provide funds for international crime control programmes and raise global awareness of crime, crime trends and victim issues.

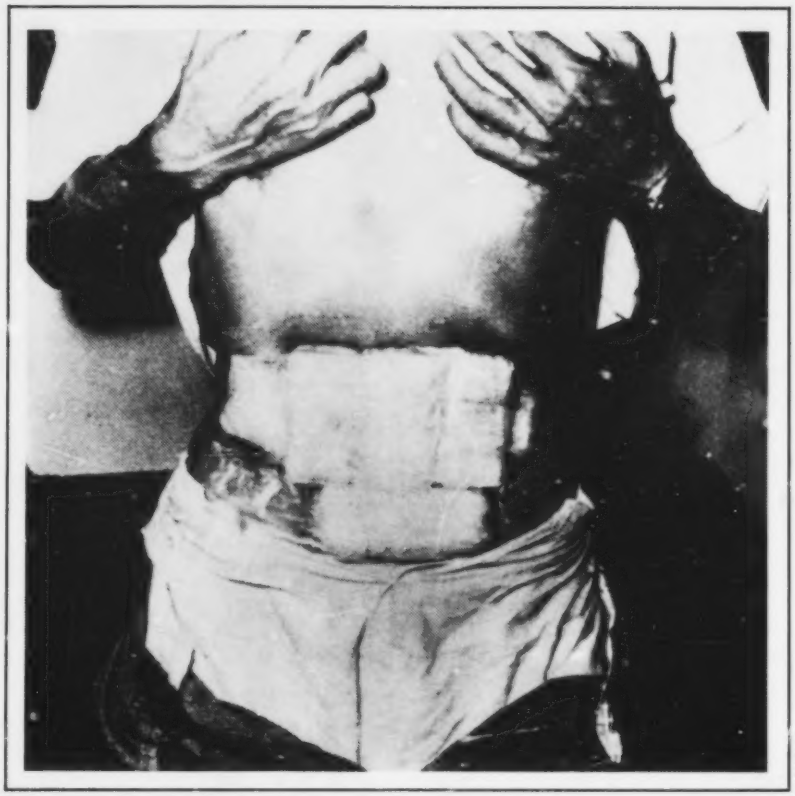
Most proposals adopted by the Committee resulted from the work of five regional preparatory meetings held in 1989, in Bangkok, Thailand (Asia); Helsinki, Finland (Europe and North America); San José, Costa Rica (Latin America); Cairo, Egypt (Western Asia); and Addis Ababa, Ethiopia (Africa). Some were formulated at five expert meetings—one on each of the five substantive Congress agenda items—held in Vienna in 1988. More than 600 participants from 129 countries and a large number of organizations attended the regional meetings.

How to improve UN work

The Eighth Congress will discuss how to improve UN work in the field of crime prevention and criminal justice, including the possibility of establishing a new agency or at least upgrading the Crime Prevention and Criminal Justice Branch of the Vienna-based UN Centre for Social Development and Humanitarian Affairs. The Branch—with a small staff and budget—currently serves as the focal point for all UN anti-crime activities.

Available multilateral mechanisms to help countries fight crime and improve their justice systems are "grossly inadequate", the Committee on Crime Prevention reported.

Traditionally, most co-operation has been bilateral, it said. But "sophisticated international criminals may make a mockery of bilateral arrangements, moving their administrative and financial operations from one country to another, and staying ahead of frustrated diplomats attempting to work out a string of bilateral agreements".



UN Photo

Drug smuggling . . . a growing international crime

The Committee recommended an expansion of UN advisory and technical aid, paired with an energetic fund-raising campaign.

The United Nations, it stated, is the only existing entity with the mandate and international constituency needed to provide countries "with effective assistance in preventing and controlling national and transnational crime". However, it lacks "the organizational capacity to fully and effectively discharge this responsibility", it concluded.

Although it has not been given the means to do so efficiently, the United Nations has been mandated to assist countries in reducing crime levels, set basic standards for the administration of justice, prevent victimization and protect the rights of victims, promote humane treatment of offenders, foster viable crime prevention and criminal justice policies, and improve the collection and dissemination of information on these issues.

Closing the gaps

Sophisticated criminals have mastered the art of slipping through the cracks created by diverging justice systems. Closing those juridical gaps has been a major concern of all seven UN anti-crime congresses. The Eighth Congress is expected to adopt the following draft model treaties:

To catch a culture thief

A model treaty to prevent crimes against the cultural heritage:

Outlaws the import of "movable cultural property" if stolen from a museum or public monument or if export is specifically forbidden by the originating State. Property taken without authorization will be confiscated and returned.

UN Photo 146319/J. Frank

"Movable cultural property" includes products of archeological explorations; ancient objects; parts of historical monuments; materials of anthropological, historical and ethnological interest; antiquities more than 100 years old; historical objects; rare collections and examples of zoology, botany, mineralogy, anatomy and objects of palaeontological interest; and objects of artistic interest—paintings, drawings, engravings, prints, stamps, archives and furnishings more than a century old.

The art of transfer

A model treaty on transfer of supervision of offenders:

The sentencing State may request the administering State to apply the final court decision when a person has been found guilty and placed on probation (but not imprisoned), or has been given a suspended sentence or placed on parole. Complements a treaty on transfer of imprisoned offenders adopted at the Seventh Congress, in 1985.

A model treaty on transfer of criminal proceedings:

Allows States to request transfer of criminal proceedings to another country to help avoid pre-trial detention and reduce conflicts of competence. A State may refuse to transfer criminal proceedings against someone who committed what it considers a political offence in another country, or when the act is only an offence under military law or has to do with taxes, customs or exchange.

Bringing in the thieves

A model treaty on extradition:

Extraditable offences are those punishable under the laws of both countries by imprisonment or other deprivation of liberty for a maximum period of at least [one/two] year(s), or by a more severe penalty. The draft deals with mandatory and optional grounds for refusing extradition, provisional arrest, surrender of the sought person and surrender of property.

Helping one another

A model treaty on mutual assistance in criminal matters:

Will make it easier for law-enforcement agencies in different countries to lend each other a helping hand in executing searches and seizures, providing bank and corporate records and taking evidence from persons.

To humanize justice

How lawyers and prosecutors conduct themselves, when a police officer may use armed force against a suspect, what circumstances should result in incarceration, how can children on the brink of delinquency be helped—these are some of the complex social and ethical issues facing justice administration systems throughout the world today. Justice has ceased to be considered a mere matter of, blindly and abstractly, measuring guilt and punishing offenders. This humanization of justice is reflected in the following six major international legal texts that the Eighth Crime Congress is expected to adopt:

Jail as a last resort

Rules for protection of juveniles deprived of their liberty:

Jail or institutionalization should be a "disposition of last resort" for juveniles. And if it happens at all, it should be "for the minimum necessary period".

In an effort to humanize the administration of justice, the guidelines specify the circumstances under which young persons may be deprived of their freedom and how to ensure their fair treatment and safeguard their individual rights and well-being.

Children at risk

Guidelines to prevent juvenile delinquency ("Guidelines of Riyadh"):

"Children at social risk" should be priority targets of early preventive and protective intervention for young persons. The guidelines spell out fundamental principles and objectives of delinquency prevention at the pre-conflict stage and address issues relating to socialization processes—through the family, education, community and mass media.

UN Photo 154986/C. Edinger

UN Photo 128585

Who shoots first?

Basic principles on the use of force and firearms:

A police officer should try to use non-violent means to subdue a suspect. And when lawful use of force is unavoidable, restraint should be exercised, injury or damage minimized, and respect for human life preserved.

Guidelines should specify under what circumstances law enforcement officials are authorized to carry and use firearms and which types of firearms and ammunition are permitted. They should prohibit firearms and ammunition that cause unwarranted injury or present unwarranted risk.

Prosecutors—without intimidation

Guidelines on the role of prosecutors:

Governments must ensure that prosecutors are able to function without intimidation, improper interference or unjustified exposure to civil, penal or other liability. Along with their families, they must be physically protected by the authorities when threatened as a result of their professional action.

Prosecutors must be impartial and avoid all political, social, religious, racial, cultural, sexual or any other kind of discrimination. They should give special attention to serious crimes committed by public officials, particularly corruption, abuse of power and grave violations of human rights.

House arrest, Community service. . .

Standard minimum rules for non-custodial measures ("Tokyo Rules"):

The ultimate goal of the criminal justice system is the reintegration of the offender into society. And this text states: "The restriction of liberty is justifiable only from the viewpoints of public safety, crime prevention, just retribution and deterrence."

Overcrowded prisons are often not the best settings to promote social reintegration. Humane treatment of prisoners in such circumstances is often difficult.

All this points to finding reasonable alternatives to imprisonment. The Tokyo Rules articulate some of those alternatives—from sentencing offenders and house arrest to doing community service or placement in half-way houses or work programmes.

Equal access to legal service

Basic principles on the role of lawyers:

All persons arrested, detained or imprisoned should have access to a lawyer within 48 hours. Governments must guarantee equal access to lawyers for all, including the poor. Lawyers must not be threatened with prosecution or any type of sanction for performing their professional duties.

'Crime mocks frontiers'

Drug pushers, polluters, terrorists further disturb our global village

"Crime mocks frontiers", says Margaret Anstee, Secretary-General of the Eighth Crime Congress, describing the upsurge in transnational criminality that lends a particular sense of urgency to the Havana meeting. Ms. Anstee believes that crime fighters must also transcend frontiers and national differences.

Drug crimes increased worldwide by an amazing 120 per cent between 1976 and 1980, according to the Second UN World Crime Survey. This massive increase in organized drug crime—the biggest international criminal business today—dwarfs the relentless global increase of other types of crime during the same period. Intentional homicide went up by almost 30 per cent, theft by 22 per cent, fraud by 40 per cent and kidnapping by 16 per cent.

"Massive power and organizational strength are the novel aspects of transnational criminality", says Eduardo Vetere, Executive Secretary of the Congress, and several States are being reduced to "virtual impotence". Mr. Vetere heads the Crime Prevention and Criminal Justice Branch of the UN Centre for Social Development and Humanitarian Affairs—the focal point for all UN anti-crime activities.

Along with drug trafficking, newly prominent transnational crimes include environmental offences, terrorism, illegal arms trading and computer crimes. "It is this new criminality that disturbs the international community, throwing the socio-political culture and the consolidated machinery of existing norms into crisis", Mr. Vetere says.

Organized crime is infiltrating legitimate business, he says. Its reach has extended into the international financial system and its association with economic and white-collar crime is becoming increasingly evident.

Mr. Vetere believes that intelligence-sharing among countries and an expansion of the concept of jurisdiction are essential to beat transnational crime. Although broadened somewhat in recent years, the traditional, almost exclusively territorial concept of jurisdiction is still inadequate to cope with the complexity of transnational criminality in the modern world, he asserts.

All five model treaties that the Eighth Congress is expected to adopt try to expand that concept, in particular the texts on extradition and mutual judicial assistance.

UN Photo 134112/Y. Nagata

New ways of detection...

Changes in national banking and finance legislations are needed to control money laundering and to trace and confiscate the proceeds of crime. An interdisciplinary approach has been proposed, involving lawyers, police, accountants, financial analysts, computer specialists and corporate affairs investigators. But many experts consider that tracing international money flows would nevertheless continue to be extremely difficult.

Ten resolutions before Congress

The Eighth Congress will consider a set of 24 guidelines for the prevention and control of organized crime.

The guidelines recommend research on the structure of organized crime, the causes, nature and effect of corruption and its links to organized crime, and anti-corruption measures. Anti-corruption agencies or similar mechanisms should be created. Criminal legislation should define new offences with respect to money laundering and organized fraud.

Attention should be focused on new methods of criminal investigation and techniques developed in various countries to follow the "money trail" and on the use of telecommunications and electronic surveillance methods, subject to human rights considerations.

Drug trafficking, computer fraud, official corruption and environmental damage are covered in a set of 29 draft recommendations on international co-operation for crime prevention and criminal justice in the context of development.

These recommendations call on Governments to devise administrative and regulatory mechanisms to prevent corrupt practices or abuse of power by public officials, create legal provisions to forfeit corruption-tainted funds and property, and adopt economic sanctions against enterprises involved in corruption.

International instruments should include standards for global assistance in relation to bank secrecy—to facilitate seizure and confiscation of funds derived from criminal acts—as well as more effective norms to inhibit crime-related money laundering and investment.

The guidelines on organized crime and the recommendations on international co-operation are contained in draft resolutions sent to the Congress by the Committee on Crime Prevention and Control, through the UN Economic and Social Council.

Other drafts deal with terrorism, urban crime, environmental protection, treatment of prisoners, protection of human rights of victims of crime and abuse of power, and review of UN work programmes in crime prevention and criminal justice.

Against official corruption

Where organized crime is entrenched, government corruption often flourishes, even within the criminal justice system itself. The Crime Congress will consider a manual on practical anti-corruption measures, prepared by Michael DeFeo, Deputy Chief of the Organized Crime and Racketeering Section of the United States Department of Justice. The original draft was reviewed by an interregional seminar on corruption in government held in The Hague in 1989.

The manual, commissioned by the UN Crime Prevention and Criminal Justice Branch, deals with penal laws, procedures to ensure the detection, investigation and conviction of corrupt officials, "free of intimidating influences and unnecessarily technical impediments", forfeiture of funds and property obtained by corrupt officials and mechanisms to prevent corrupt practices or abuse of power, including corporate and citizen reporting and means to combat intimidation.

While threats of physical violence against magistrates, prosecutors, police officials and witnesses are not uncommon, intimidation frequently takes a subtler form—for example, "suggestions of a diminution of career opportunities, of bad results in future matters before a certain court, of unfortunate budget consequences for the investigating unit".

These threats "are easy to convey in terms which make criminal prosecution difficult, but they are clearly understood by civil servants whose professional and personal lives are very dependent upon persons who move in the same circles as those persons under investigation", the manual states.

To counter this type of subtle, pervasive intimidation, it advises countries to develop "an institutional culture of independence and professionalism in criminal justice authorities which reinforces the strong and compels the weak to rise to the group norms of honesty and integrity".

Terrorism: issues and answers

Lack of agreement on what and who is included under the term "international terrorism" has hampered efforts to forge a common international strategy against that form of violence since the first UN study on that issue was conducted in 1972. The Eighth Crime Congress is expected to propose a practical way to get around that hurdle.

"Instead of attempting to define the phenomenon in an abstract way, a list of concrete activities or actions that the international community considers unacceptable and

that are, therefore, considered as terrorist conduct should be compiled", a draft resolution before the Congress states.

Further shifting the focus away from definition, it goes on to list a number of "issues of particular concern", including absence of a clear definition of victims of terrorism, limits of use of force in connection with wars of national liberation and non-international conflicts and lack of international control of arms trade.

Resort to terrorist violence by States, "that by their conduct violate international law", should be more effectively curbed by the international community. The UN should develop mechanisms to control such conduct. The draft recommends considering the possibility of establishing a special penal jurisdiction on international terrorism within the International Court of Justice or a separate international criminal court.

The document includes sections on international co-operation for prevention and control of terrorism, jurisdiction, extradition, non-applicability of defence to terrorist violence based on obedience to superior orders or acts of State, protection of highly vulnerable targets, judiciary and criminal justice personnel, victims, control of weapons, treatment of offenders, role of mass media and codification of international criminal law.

UN Photo 1/20696

Pollution: destroys the art of nature and man . . .

The crime: environmental damage

Nature knows no borders—neither does the destruction of nature. Contaminated garbage from developed countries has been routinely dumped in a number of third world countries. Acid rain generated by one country's polluting industries falls over another country's pristine forests and lakes.

Reflecting growing international concern over the health of the planet, the Eighth Crime Congress is expected to recommend the criminalization of acts that damage the environment "as a last resort" measure. Environmental offences are often only dealt with under administrative or civil law.

A draft resolution before the Congress specifically asks countries "under national criminal laws", to protect nature and the environment against the dumping of hazardous wastes or other, similar materials and against the operation of dangerous technical installations that they consider involve unacceptable margins of risk.

It also asks the UN Secretary-General to encourage the incorporation, in future international conventions for the protection of the environment, "of provisions under which States would be expected to enact sanctions under national criminal law".

When crime doesn't pay

What happens after the accused is tried and found guilty?

Jail is the usual next step for the criminal who is convicted. But in this age of severe prison overcrowding and the AIDS epidemic, the Eighth Crime Congress is expected to recommend that judges consider jail as a "sanction of last resort".

A 14-point draft resolution before the Congress suggests that judges should only imprison people "if it can be shown that there are reasonable grounds for believing that community sanctions would be inappropriate". Only the most serious offences should be excluded from the application of community sanctions, the document stresses.

When crime shakes society—for example, in the wake of a crime wave or of a particularly gruesome or sensationalized murder—the public may blame what it perceives as lenient judges for past, present, even future criminality.

"Sentencing practices", the draft resolution states, "should be seen neither as a cause of current levels of crime nor as solutions to crime problems in the future".

It recognizes that one of the goals of the criminal justice system as a whole is to reduce crime. "The purpose of sentencing is to contribute to that goal by responding in a just and measured fashion to wrongdoing in society". This should translate into sanctions "that preserve the authority of the law and promote respect for it", it states.

Prosecutors should not always formally charge an accused person. Sometimes, certain types of cases should be screened out of the criminal justice system. And they should use conflict-resolution techniques "such as those involving mediation and reparation".

Minimal intrusion

Human rights always must be kept in sight: the draft recommends that countries develop "techniques for reducing to a minimum the intrusion of its criminal justice system into the lives of members of society".

Prison overcrowding could be countered and human rights served by reducing the use of custody and detention to a minimum, proclaiming amnesties and pardons and supporting prison rehabilitation programmes.

Because overcrowding can make it difficult to apply the Standard Minimum Rules for the Treatment of Prisoners, the draft recommends judicial review and effective external control of prison administrations.

A set of "draft basic principles for the treatment of prisoners" also before the Congress states that, except for the "necessary limitation of the freedom of movement, all prisoners shall retain the human rights and fundamental freedoms set out in the Universal Declaration of Human Rights" and other international instruments.

"All prisoners shall be treated with the respect due to their inherent dignity and value as human beings". There shall be no discrimination on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth "or other status".

Conditions should be created so that immates have access to education and can work for adequate pay, remain involved in the labour market and financially help their families and themselves.

UN Photo 148945

Rebels or delinquents?

UN Photo 132549/J. Foxx

Rehabilitation . . .a continuing goal . . .

"Criminal", "deviant", "delinquent", "pre-delinquent"—any or all of these labels may be mistakenly applied to a rebellious teen-ager. The question is: Is the label deserved, accurate, useful, harmless?

Margaret Anstee, Secretary-General of the Eighth Congress, feels that such labels could have a stigmatizing effect and cause young people to adopt undesirable behaviour they otherwise would outgrow.

On the other hand, such behaviour often leads to "undue rigidity on the part of formal systems of social control" and results in "unwarranted, excessive and costly intervention in the private sphere of juveniles".

Knowing if and when to intervene, and to what extent, when a young person tests the limits of social tolerance, is essential not only for parents but for criminal justice systems. Ms. Anstee thinks that for society, the goal should be "to limit formal intervention and the application of legal sanctions". When official intervention is necessary, she advises avoiding "criminalizing behaviour that does not present serious harm to society".

Eduardo Vetere, Executive-Director of the Congress, worries about children and teens in jail and the often horrifying sequel of physical and sexual abuse, emotional neglect, malnutrition, untreated illnesses, even suicide. It's what he calls "criminal contamination"—jail turning into a school for crime.

Incarcerating young people, which he says is "a fairly widespread practice throughout the world", may contravene such international human rights instruments as the International Covenant on Civil and Political Rights and the 1989 UN Convention on the Rights of the Child.

A juvenile is not an adult in miniature, Mr. Vetere stresses, but a developing human being in her or his own right. A system of "small prisons for small persons", as some have proposed, is undesirable.

Mr. Vetere wholeheartedly agrees with two major instruments before the Congress—the "Guidelines of Riyadh" to prevent juvenile delinquency and the rules for the protection of juveniles deprived of their liberty—which stress prevention within the community and alternatives to imprisonment.

In many countries, children are committing crimes at an earlier age and such crimes are increasingly violent. They are the kind of crimes that only a few generations ago seemed to be the province of hardened, adult criminals. But these children still constitute a minority.

Most children and teens in trouble with the law may simply be trying to survive a disintegrating family or community. Petty theft, begging, drug trafficking and prostitution are their diversions on the street.

On a collision course

Many children on a collision course with the law have been victims of violence within their families.

A draft resolution on urban crime before the Congress recommends criminalizing such acts, including sexual aggression and abusive treatment, and attempting to control them through integrated strategies that include education and assistance.

Poverty, unemployment, lack of decent housing at reasonable cost, unsuitable education systems and no prospect for social integration are also "factors conducive to crime", the text says.

Another factor is "the destruction of original cultural identities, together with racism and discrimination, which may lead to disadvantages in the social, health and employment spheres".

States are asked to pay attention to the infrastructure of crime and, among other things, to develop a policy of support for single-parent families, involve tenants in housing administration and planning and turn crime prevention into "one of the essential tasks of the police", with community involvement.

Subscribe to the *UN Chronicle*—a quarterly news magazine covering UN meetings and events.
Yearly rate US $14. Send to: UN Publications ▪ Room DC2-0853 ▪ United Nations, NY, 10164-0512

1 THE EXTENT OF CRIME IN THE 1990s

Global crime surveys undertaken by the United Nations estimate that the number of recorded crimes, if the rate of increase for the period of 1975-1980 was maintained, would increase from about 350 million in 1975 to half a billion in 1990. A more intensive analysis of nine selected countries found the amount of crime to be increasing at an average of 5 per cent a year in the period 1980-1986, a rate of growth exceeding those of the populations and the national economies.

The number of reported violent crimes against persons—including murders, maimings and rapes—rose by 9 per cent world-wide between 1980 and 1986, according to the most recent United Nations survey. Reported property crimes—robbery, theft, embezzlement and fraud, constituting 70 per cent of all recorded offences—increased by almost 30 per cent.

"At this rate, crime is rapidly outstripping the capacity of national Governments to keep pace with it, and has already outpaced their capacity to reduce it", concludes a report of the United Nation Committee on Crime Prevention and Control.

A high concentration of criminal behaviour is found among adolescents, at least in modern times. In some countries, juvenile offences currently account for 60 to 70 per cent of all recorded crimes. Although some nations have reported no significant increase in juvenile lawlessness, many countries have, and they are found among several continents and the most developed and least developed nations alike. An especially disturbing trend is the apparently earlier onset of delinquency. Ages 13 and 14 are increasingly when habitual drug use and criminal offences begin, and in metropolitan areas of developed and developing countries where drug trafficking, unemployment and disintegration of family structures are endemic, delinquency commonly begins among those less than ten years old.

Victims of crime

The prevalence of crime ensures that virtually everyone will feel its consequences. A study in one industrialized nation recently found that in an average lifetime almost every citizen will be victimized by theft and nearly nine out of ten will incur three or more thefts; eight of ten will suffer an attempted violent offence and over half will be the object of physical attack more than once; and one in 133 will be murdered.

Crimes of violence are not limited to street assaults and gang warfare. An untold number occur within domestic households, and the victims are typically women and children, although the elderly and disabled also suffer.

Street crime and other offences falling within the conventional notion of criminal activity strike most consistently at the poor. The focal points are sprawling, low-income districts of the urban areas of developed and developing countries, where personal safety and possessions are in daily jeopardy. Fear of crime is itself an antagonistic force, causing neighbourhood businesses and the most talented residents to move away from communities where the rule of law barely holds and corroding the morale and social solidarity of those who remain.

It is a well-known fact that poverty, unemployment, run-down housing, wrenching dislocation and stunted opportunity are breeding grounds for crime. This apparent principle, however, does not always work in reverse. It is the rich, the well-to-do and the powerful who perpetrate crimes of the greatest magnitude. And while the poor bear the brunt of crimes emanating from poor communities, offences committed by the rich rarely hurt other

UNITED NATIONS

rich people. The primary victims are the poor, the average citizen and society at large.

Upper-echelon crime

Criminal activity of debilitating social effect is initiated by the leaders of sophisticated crime syndicates as well as from within large corporations and government itself. Following is a brief prospectus of the diversified operations of one of the few world-wide growth industries of the 1980s—crime.

- *Traffic in illicit drugs* was estimated to have reached US$500 billion a year by 1989, a sum equal to the combined gross national products of about two thirds of the Member States of the United Nations. The most spectacular growth in sales is in highly addictive drugs of devastating impact on users: cocaine and its smokable derivative, crack; heroin and other opiates; various forms of methamphetamine marketed on the street with names like "speed" and "ice".
- *Prostitution, illegal gambling, fencing of stolen goods, extortion and loan-sharking* operations continue as mainstays of organized crime, augmenting profits from drug trafficking.
- To translate illicit profits into usable forms of wealth and to avoid detection, organized crime necessarily resorts to *money laundering*. Proceeds, often in small cash denominations, are introduced into bank accounts and then moved into different accounts, stocks, real estate or otherwise legitimate businesses. Banks and investment firms serve as the unwitting or conscious accomplices of crime syndicates. Educated guesses place the amount laundered from drug sales in the United States alone at $100 billion a year, but this "black" money is only the tip of the iceberg. Flowing through complex international financial channels is an estimated $1 trillion of "gray" money, its origin disguised for purposes of *tax evasion, violation of currency-control laws* and *embezzlement of government funds*.
- *Corruption of public officials* has occurred for as long as there have been Governments, but has increased in recent years with the expansion of the drug trade. Law enforcement experts say that corruption of the criminal justice system in the United States is more serious than at any time since the Prohibition era. In drug-producing nations and those located along major transit routes, corruption (as well as intimidation) of public officials often reaches to the highest levels of government. Besides inducing tolerance or actual involvement in illegal enterprises, corruption is commonly used to obtain government favours for private interests that are not intrinsically criminal.
- Examples of *corporate crime* range from *violations of labour and safety laws* to *fraud* and *industrial espionage*.
- *Computer crime* is at the cutting edge of white-collar offences. It is calculated that while the average bank robber gets away with about $6,600, the average haul from computerized theft is $220,000. It is hard to say how many billions of dollars are diverted electronically each year: only 15 per cent of computer crimes are detected, only 5 per cent are made public and a bare 3 per cent are prosecuted.
- Reckless *environmental destruction* through catastrophic accidents that might have been avoided as well as gradual, insidious despoliation is now recognized as tantamount to criminal offence; so is the *theft of national cultural heritage* embodied in irreplaceable artifacts and works of art.

Transnational crime

Modern methods of transport, communications and transfer of monies have favoured a growing internationalization of organized crime, drug trafficking and terrorism. Criminal organizations regularly employ virtually every aspect of new developments in science and technology to collaborate across natural frontiers and devise global strategies that no Government can counteract alone.

Internationalized crime is further favoured by the limited geographic reach of national laws and national law enforcement authorities, compounded by conflicts among national laws and

antiquated international procedures for obtaining evidence and apprehending offenders. Regional and subregional common markets that forward political and economic integration also make national borders more permeable to criminal enterprise.

In addition to drug smuggling, terrorism and manipulation of finances, criminal enterprises that are taking increasing advantage of transnational and global opportunities include trade in illegal arms, traffic in persons and exploitation of migrants.

An international commitment

Effective international assistance is needed to help countries deal with national and transnational crime. The extent and growth of crime around the world indicates that dramatic changes are required in the size and form of the current international effort. A programme of adequate scope will prove far less costly to the international community and to individual countries than a continuation of the hundreds of billions in monetary losses and the immeasurably greater human cost which crime inflicts.

Published by the United Nations Department of Public Information
DPI/1062—40605—June1990—4M

CRIME AND DEVELOPMENT

2

The effective control of crime and protection of citizens has long been considered a fundamental governmental responsibility, as basic as safeguarding a country's borders or maintaining a national currency. Yet only recently has the operation of criminal justice systems been conceived in the context of overall economic and social development. The understanding of criminality and mounting of efforts to contain it were relegated by planners to part of the overhead of running a Government, a "housekeeping" budgetary item. As a supposedly non-productive investment of government resources, it was automatically excluded from the developmental planning process.

An important milestone in the evolution of a new perspective on crime came with a 1965 resolution of the United Nations Economic and Social Council, endorsing "the principle that the prevention and control of juvenile delinquency and adult criminality should be undertaken as part of comprehensive economic and social development plans". This principle was developed and further elaborated in world-wide Congresses on the Prevention of Crime and the Treatment of Offenders, held every five years since 1955 under the auspices of the UN Committee on Crime Prevention and Control.

In 1990, the growth of crime within countries and across national borders and its rapidly mounting social and economic costs indicate that comprehensive efforts to contain its spread and reduce its impact are near the top of the world's agenda.

The costs of crime

Only to a limited extent can the direct and indirect consequences of crime be estimated in financial terms.

- Direct financial costs to individual victims of crime are borne through loss of earnings, loss of property and medical expenses. The physical consequences can be violent and brief, or they can be chronic. The psychological effects resulting from violent crimes, sexual offences, burglary of one's home and other traumatic crimes can be severe and persistent.
- Witnesses have to spend hours or days involved in police investigations and in court proceedings.
- Consumers pay higher prices as a result of crimes directed at businesses.
- Property owners face increased insurance premiums, and enterprises unable to afford higher payments are driven out of business or left vulnerable to catastrophic financial loss.
- The incomes of persons and businesses fearing burglary are reduced by expenditure on security devices and services.
- Citizens are subjected to higher taxes to cover the shortfall caused by tax evaders.
- The monetary costs of the operation of crime prevention and criminal justice systems eat into the treasuries of national and local Governments. The more highly developed countries expend an average of 2 or 3 per cent of their budgets on crime control. In the developing countries, the average is between 9 and 14 per cent. It is estimated that national Governments collectively spend over $300 billion each year on crime prevention and criminal justice services.

The direct social costs of crime show as a chronic drain on the human and material resources of countries. Under aggravated circumstances, the impact on social and political well-being can be devastating.

- Citizens suffering from a constant fear of crime, demoralized by pervasive and obvious corruption, or intimidated by persistent abuse by public authorities, are not likely to play their expected role in the development of society.
- If the State is seen to be helpless against the spread of crime, the confidence of citizens in

UNITED NATIONS

Governments is undermined, frustration turns to despair and then to embittered indifference, and personal and national productivity suffers. Over time, a breaking point may be reached at which private protection and enforcement measures surpass the limits established by law, and violent self-help is undertaken as a last resort.

- Another chain of consequences involves oppressive reaction. A Government may respond with increasingly harsh measures which prove difficult to restrict to their intended purposes, leading to the suppression of human rights, increased social tensions and sapping of economic strength.

The costs of transnational crime

- International traffic in narcotic drugs now encompasses hundreds of billions of dollars of economic activity channelled into destructive rather than productive purposes. International finances are skewed and the integrity of national currencies threatened. Transnational syndicates have subverted entire national economies and challenged the authority of Governments.
- Illicit drugs dispersed across borders have exacted a high toll in ruined lives of addicts and drug abusers, broken families and loss of economic productivity. Drug use itself is a further impetus to crime: a recent study in a major industrialized nation found that roughly 50 per cent of those apprehended in large cities had one or more drugs in their systems at the time of arrest.
- Terrorism, particularly in the form of bombings, hijackings and kidnappings, has exacted rising costs in the 1980s and grown increasingly international in nature.
- Transnational fraud of enormous proportions is made possible through advances in computer and communications technology. The illicit transfer of funds is used to launder profits from illegal activities, evade taxes and embezzle funds from corporations and Governments.
- Illegal industrial practices and criminal negligence destroy natural environments far beyond the borders of single nations.

Planning justice

In short, the ultimate cost of crime is the failure of social and economic development. Without an effective programme of crime prevention and control, no educational efforts, no agricultural reforms, no anti-poverty measures, no industrial programmes can really succeed. Without domestic tranquillity and confidence in government, progress towards a better world will be continually thwarted.

There is a dual implication to co-ordination of criminal justice planning with overall social and economic development goals. On the one hand, development projects need to be assessed in the light of their impact, positive or negative, on the nature and extent of criminality. Urban housing projects, for instance, may contribute to lessening or aggravating criminality, depending on their design. Industrialization policies, rural-urban balance, centralization or decentralization of civil administration and policies in primary and secondary schools are all seen to influence, for better or worse, the patterns and volume of criminality. When development programmes unthinkingly sweep away traditional and indigenous social structures, mechanisms that protected a people against outbreaks of criminality may be lost in the process. When financial austerity regimens are advocated for countries in economic difficulty, the costs of potential increases in criminal activity, along with neglect of human, social and productive resources, must be taken into account. In countries on several continents where drastic curtailment of government services and loss of jobs have taken place, for instance, local populations have resorted to cultivation and trafficking of illicit drugs as a means of economic survival while law enforcement and social defence agencies are hamstrung.

The other side to comprehensive planning is strategic deployment of resources committed to criminal justice systems. The growth of urban megalopolises may call for increased policing of sprawling low-income residential districts. The equipping of police and court systems with com-

puters and modern forensic tools is a logical response to the growing use of advanced technology by sophisticated crime syndicates. Strategic planning does not always require increased expenditure. Countries in Africa have designed criminal codes that allow for the parallel existence of customary laws overseen by village or tribal authorities. In countries around the world, community policing techniques—involving foot-patrol police rather than car patrols, and collaboration with neighborhood associations and civic organizations—have achieved positive results.

Besides co-ordinating crime control and prevention with other development factors, unified planning within criminal justice systems also calls for attention. It has been noted that "the criminal justice system" in most cases functions as at least three separate systems: law enforcement, courts and prisons. Despite the closeness of objectives, the three branches often lack co-ordination—thus, the well-known dilemma of a bumper harvest of arrests produced by a strengthened police force that overwhelms the capacities of the courts and the gaols. One way to deal with the overload is to extend the use of non-detention alternatives for convicted offenders: work-release programmes, mandatory community service, probation and parole. This approach depends intrinsically on close co-operation between police, judges, court personnel, prison administrators and social workers.

The prompt, sure and even-handed apprehension and punishment of criminal offenders is only one part of the process of seeing that justice is done. Justice also demands the protection of the rights of the accused and the convicted as well as advocacy of the interests of victims of crime. On a wider scale, criminal justice does not stand apart from economic and social justice. The failure to implement an effective criminal justice system will frustrate the achievement of a fair and beneficial society, just as economic and social injustice will inevitably foster the continuation of crime to the further detriment of all the members of the world community.

Published by the United Nations Department of Public Information
DPI/1062—40605—June 1990—4M

INTERNATIONAL CO-OPERATION IN CRIME PREVENTION AND CRIMINAL JUSTICE

3

The need for international co-operation

Serious crime, affecting individuals, communities and nations, is rapidly becoming more and more pervasive. The number of reported crimes has been increasing on a world-wide average of 5 per cent each year, faster than population growth and the growth of most national economies. Moreover, crime is increasingly transcending national frontiers. Many forms of criminality have assumed transnational dimensions and employ such sophisticated methods that they cannot be dealt with as merely local or even national problems.

Constraints that in the past limited transnational crime have been overcome by sophisticated developments in transport, communications and technology, which can easily be bent to the needs of organized crime, drug traffickers and terrorists. In fact, geographic boundaries which limit the reach of national laws and law enforcers often provide protection for criminals who take advantage of the gaps in and intricacies of legal procedures and collaborate across frontiers, using global strategies that no State can counteract alone.

The problems are exacerbated for developing countries, which are struggling against such handicaps as lack of resources, illiteracy, lack of skilled personnel, absence of training, low salaries and unemployment, particularly among youths, and deteriorating economies. These conditions, often nourished by greed, are the seedbeds of crime.

Just as disturbing as the global rise in crime are changes in its nature: organized crime; terrorism; corruption and extortion in government, industry and banking; drug trafficking; even criminally reckless environmental destruction. These crimes have rendered obsolete distinctions between national and international offences and have made traditional approaches to prevention and control just as outmoded.

A wider range of legislation and increased co-operation at all levels—national, regional and international—is therefore absolutely necessary for countries facing runaway escalation of national and transnational crime and woeful inadequacies in their criminal justice systems. States need to be assisted in supplying each other with the needed information. They can learn from the experience of others, both positive and negative, about fighting crime; successful solutions can be replicated and costly mistakes avoided. International help is needed for such tasks as establishing a computer network providing access to research information, for training programmes and exchange of experts and for fellowships and study tours.

Nations also need help in developing and becoming parties to treaties which can overcome barriers to effective investigation and prosecution of transnational offenders, and in preparing understandings and treaties promoting mutual assistance in investigations, trials, exchange of evidence and enforcement of judgements, including seizure of illegal assets. Proposals for collaborative international investigation of particularly serious forms of transnational crime, the establishment of an international criminal jurisdiction and the creation of an international fund for assistance to the victims of crime and terrorism have been gaining support.

UNITED NATIONS

Crime prevention and criminal justice in development planning

Crime is a particularly serious obstacle to development. It dissipates or misdirects economic growth and impairs the quality of life. It also consumes scarce resources and damages morale and the commitment to the rule of law.

It is generally agreed that crime prevention policies should therefore be incorporated into national development planning. Countries should review the adequacy of their criminal laws to make sure they adequately punish all forms of corruption, and devise administrative and regulatory mechanisms and procedures to prevent corrupt practices and the abuse of power, to detect, investigate and convict corrupt officials and to provide for forfeiture of illegal profits and economic sanctions against enterprises involved.

Appropriate educational policies should be developed to promote awareness of how victimization can be avoided and make the public aware of the objectives and processes of the criminal justice system. Such systems should be based on the rationalization and humanization of criminal laws and procedures, sentencing policies and dispositional alternatives. Observance of human rights, equality, fairness and consistency should be ensured at all stages.

Appropriate links should also be established between the criminal justice system and other development sectors, including education, employment, health, social policy and other related fields. Too much emphasis on only one element of the total situation—such as, for example, controlling illicit drug production—without taking into account related needs, such as legal reform or police training, would have quite limited and possibly only short-term success.

Scientific and technical co-operation

Perhaps, most importantly, international technical and scientific co-operation should be strengthened as components of broader development programmes, taking account of the special needs of developing countries. Such programmes should be directed especially towards reinforcing the technical capacities of the criminal justice agencies, stimulating research and training programmes and developing information bases for data on crime trends, prevention and control methods and criminal justice operations. Assistance was sought from Member States, organizations and funding agencies to help the UN to establish and operate a global crime prevention and criminal justice information network, promote UN norms and guidelines and elaborate joint strategies for fighting crime.

Technical co-operation, particularly in the training of personnel, is of paramount importance for developing countries. Many countries are totally or largely unable to implement effective crime prevention policies and strategies owing to an acute shortage of material and trained professionals. Law enforcement and criminal justice officials must be properly trained to detect and investigate crimes involving advanced technology, such as computer fraud and the manipulation of tax laws and customs regulations. Too often, those who are, for example, searching for "dirty money" have a very limited knowledge of what global money movement is all about. The world's prosperity depends on a fluid, unfettered and interdependent financial system, so complex that even a well-trained investigator—let alone an overworked and underpaid low-grade government employee of a developing country—has trouble dissecting the system to pin-point drug money correctly.

Owing to financial limitations, the UN advisory services in crime prevention and criminal justice have been clearly insufficient to meet the rapidly growing demand for them. Consequently, the UN Committee on Crime Prevention and Control has recommended that Governments and regional commissions be invited to fund advisory services in their regions.

Elaboration of conventions and international standards

The need for international co-operation in crime prevention and criminal justice is recognized

in a large number of UN treaties, declarations and resolutions. In several conventions it is recognized that certain criminal acts damage the most important values of the international community. This is the case for genocide, *apartheid*, hostage-taking, torture, hijacking and illegal drug trafficking. While there is still a need for more ratifications as well as for better implementation of these international conventions, there is equally a need for adequate national laws to deal effectively with transnational crime.

Concerted efforts should be made by countries to develop other such instruments and to formulate models and standards. These international instruments and standards might include judicial assistance treaties for obtaining evidence; standardized requests for extradition and mutual assistance; provisions for aid to crime victims and protection for witnesses; and standards for international assistance in respect of bank secrecy and seizure of proceeds in bank accounts derived from criminal acts.

It has been suggested that the UN Committee on Crime Prevention and Control should study the formulation of a comprehensive international convention on co-operation in criminal matters, consolidating existing and emerging treaties in this field, including extradition, mutual assistance, the transfer of foreign prisoners, the transfer of supervision of conditionally sentenced or released foreign offenders and the enforcement of criminal judgements and court orders on the forfeiture of illicit assets. The Eighth Congress may see fit to take a first step in this direction.

Recent years have witnessed the development of regional and subregional co-operation, although contemporary and historical differences still stand in the way of regional and subregional arrangements becoming the basis of an integrated and comprehensive network for international co-operation.

UN organs, Secretariat units and regional and interregional institutes for crime prevention should be strengthened so as to increase their range of operations and diversify their technical and scientific capability. The institutes should further develop their research, training and technical assistance capacities, and widen their collaborative networks through non-governmental organizations (NGOs) and national research and educational institutions. Broader involvement of and assistance by NGOs is also desirable. Finally, interregional co-operation is an approach that holds great promise, but has been little developed.

Fighting organized crime and terrorism

The UN Committee on Crime Prevention and Control, at its 1990 session, drew up recommendations for national and international action to stem the tide of at least two of the most socially, economically and politically damaging types of criminality: organized crime and terrorism. These recommendations will be considered by the Eighth Congress.

Organized crime. According to the Committee's proposals, States should try to raise public awareness of the threat of organized crime. They should conduct research into its structure and evaluate the effectiveness of countermeasures. Fraud-control programmes, increased personnel supervision and security, information gathering and computerization, investigative strategies and training programmes were some of the methods proposed to prevent or minimize the impact of organized crime. Others were improvement of law enforcement efficiency, ensuring adequate powers (subject to human rights safeguards), eradication of the sources of crime, telecommunications and electronic surveillance and development of new methods to "follow the money trail".

Recommended measures on the international level included more comprehensive co-operative arrangements and information exchange, consistency of interdiction efforts, model legislation for forfeiture of illegally acquired assets, erection of stronger barriers between legitimate financial markets and dirty-money markets, co-operative arrangements on offshore finance and operations

involving global electronic fund transfers and strengthened technical co-operation. Conferences should be encouraged, bringing together members of the law enforcement, prosecution and judicial authorities. Global, regional and national data bases on the topic should be expanded. Priority attention should be given to mutual assistance, transfer of criminal proceedings and enforcement of criminal judgements and extradition procedures. Research is needed on causes, prevention and control of transnational organized crime and its links to instability and other forms of criminality.

International terrorism. Terrorism—bombings, hijackings and kidnappings—has become increasingly transnational. Although general agreement on a specific definition of "international terrorism" has not been reached at the UN, efforts to prevent and control terrorism need not await such formalities. The international community can identify conduct that it deems unacceptable and that it agrees to prevent and control through measures taken in accordance with established principles of international law. According to the Crime Prevention Committee, such a list of activities should be compiled.

Other measures for international co-operation in preventing terrorist violence that the Committee felt could be developed include co-operation between law enforcement agencies, prosecution authorities and the judiciary; increasing integration and co-operation within those agencies; co-operation in securing evidence and in penal matters; increasing education and training of enforcement personnel; and public awareness programmes through the mass media, including guidelines for the media to avoid sensationalizing terrorism and disseminating information that might endanger lives.

There is a need for greater uniformity of State laws concerning criminal and extraterritorial jurisdiction. Extradition could be facilitated and lawful alternatives should be encouraged. Measures to protect particularly vulnerable targets and victims should be undertaken, and weapons, ammunition and explosives should be more effectively controlled.

International criminal law should be codified, and the Committee believed that the possibility of establishing a special penal jurisdiction within the International Court of Justice, or a separate international criminal court, should be considered. It also believed that the effectiveness of international co-operation could be enhanced if a system of reporting and monitoring acts of terrorist violence and State reponses were developed within the UN, and if more States would sign and ratify existing conventions on the subject.

Other transnational crimes. A single area of crime, trafficking in narcotic drugs, has spawned dramatically high levels of violent crime, subverted entire national economies and challenged Governments. Many experts believe the financial stability and national security of whole countries will be in jeopardy until the problem is solved.

Illicit trafficking in narcotic drugs and psychotropic substances is among the worst international crimes that humanity is currently facing, and efforts to combat it should be given a central place in all crime prevention and criminal justice plans and programmes.

Very much associated with the drug trade, money laundering has become a runaway global industry. Money-laundering centres have sprung up all over the world, offering the cocaine cartels services ranging from secret accounts to dummy corporations with hidden ownership. In an amazingly short wash cycle, drug lords can turn "dirty" money into sparkling-clean assets, such as real estate, car dealerships and resort hotels. The system depends on the collaboration of bankers and other money-men who can use electronic-funds networks and the secrecy laws of tax havens to shuffle assets. Transnational fraud is made easier by advances in computer and communications technology. The system works as well for tax-dodging corporations, and those whose corporate chiefs want to conceal dirty money. In another form of corporate criminality, illegal industrial practices and criminal negligence can

destroy the natural environment. Corruption can reach as high as heads of State, who have been known to loot national treasuries and invest the funds in foreign banks.

These are areas where more effective international standards to inhibit money laundering and investment connected with criminal activities should be developed. The frequency and scale of other transnational crimes are also on the increase, including illegal arms trafficking, traffic in persons, exploitation of migrants and thefts of works of art and artifacts.

Inadequacy of present co-operation and assistance

While the need for international co-operation in crime prevention and control has long been recognized, there are few standing mechanisms available today for such co-operation and assistance. Most of those which do exist have been confined to bilateral agreements on mutual assistance, extradition and recognition of penal judgements.

There are four main areas in which the UN has focused its activities: improvement of international co-operation by model instruments; the exchange of information, especially in the areas of victims and crime prevention; the promotion of technical co-operation; and the maintenance of standards of human rights and integrity.

The UN is the only existing entity that has the general mandate and the international constituency necessary to provide effective assistance in preventing and controlling national and transnational crime. However, in spite of its pioneering role and efforts made, it lacks the resources, as well as the organizational capacity, to discharge fully and effectively this responsibility. In the first instance, the UN budget for crime prevention and criminal justice activities is a small fraction of the budget for global social issues, under which it is included. The regular annual budget of the Crime Prevention and Criminal Justice Branch comprises only 0.1 per cent of the total UN Secretariat budget.

Despite the UN Congresses' achievements in developing laws and standards and in cross-fertilizing expertise and experience, the full effectiveness of their results are dampened by the volume of "high priority" resolutions and the absence of resources, of a structured system of goals and priorities, and of an effective mechanism for ensuring action on their decisions.

Meeting biennially, the UN Committee on Crime Prevention and Control has little time to devote to the careful policy planning and supervision needed for the effective operation of programmes. Its secretariat, the Crime Prevention and Criminal Justice Branch, is understaffed, underfunded and overworked, and its mandate extends far beyond the capacity of its resources.

The UN is not equipped, in terms of personnel, structure or budget, to undertake the needed assistance projects.

The need to expand the scope of the programme

The situation demands creation of a genuinely effective international crime and justice programme which should be administered under a structure and sufficient resources that will ensure its efficient operation. The programme must be designed to aid countries in meeting problems of both national and transnational crime, and encompass all forms of assistance—from information exchange and research to technical co-operation and collaborative action.

According to a 1990 report of the Committee on Crime Prevention and Control, fundamental changes are required in the size and form of the international effort. The Committee considered that the commitment to invest the necessary human capital and financial and technical resources needed to preserve law, justice and security should involve the convening of a world summit and the adoption of nine appropriate international instruments (discussed in a separate article in this folder).

A programme sub-committee declared, in its report to the Crime Prevention Committee: "We

have become convinced that effective reduction of world-wide crime requires nothing less than a completely restructured, comprehensive, practical, boldly active programme several orders of magnitude greater than that yet attempted by the international community. To continue as we have would cost far more—in money, in suffering and in conscience."

Published by the United Nations Department of Public Information
DPI/1062—40605—June 1990—4M

UN SYSTEM FOR CRIME PREVENTION AND CONTROL

4

The United Nations mandate to deal with the issue of crime prevention and improve criminal justice is rooted in the UN Charter, which expresses the Organization's aim to safeguard universal values, including the protection of life, health and security of the world's people. Fundamental in this concept is protection against the threat and depredations of crime and victimization, as well as the pursuance of peace, freedom and justice.

The ever-changing patterns and dynamics of modern-day criminality in its new form and dimensions require a prompt and effective response appropriate to the particular cultural, political, economic and social circumstances. While technological advances facilitate crime prevention and control, they also make possible the transnational expansion of crime. It was soon recognized that global co-ordination of crime fighting and crime prevention mechanisms would be needed to meet the UN objectives: reducing criminality, promoting more efficient and effective administration of justice and combating transnational crime, while at the same time observing human rights and promoting the highest standards of fairness, humanity and professional conduct.

UN Member States first assigned the UN a leadership role in crime prevention and control in 1948, when it established a UN programme of work in this field. This role was further strengthened with the transfer of the activities of the International Penal and Penitentiary Commission (IPPC) to the UN in 1951. A structure of policy-making and implementing bodies came into being to bear responsibility for various international efforts in this field. Current UN activities are carried out through the following mechanisms.

The quinquennial UN Crime Congresses

In 1950 the United Nations General Assembly provided for the convening every five years of an international Congress on the Prevention of Crime and the Treatment of Offenders. These Congresses not only offered a forum for the presentation of policies found useful by various countries, but also served as a stimulus for work in the criminal justice field. They were to be similar to those previously organized by IPPC.

Seven such UN Congresses have been held (described in a separate paper in this folder). Their uniqueness lies in their system of participation: the national delegations are drawn largely from the ranks of senior criminal justice policy-makers. Thus, they permit prominent officials of national ministries of justice and of the interior to have a formal role in policy development within the United Nations structure. They bring together government representatives, criminologists, penologists, high-ranking police officials, experts in criminal law, human rights and rehabilitation, eminent scholars, representatives of professional organizations and research institutes, specialized agencies and intergovernmental and non-governmental organizations. Aside from their work leading to the adoption of international instruments and standards in the field of crime prevention and criminal justice, probably the most important benefit of the current Congresses is their facilitation of the cross-fertilization of expertise and experience relating to policy initiatives, legislation and developments in technology.

UN Committee on Crime Prevention and Control

Established in 1971 after the Kyoto Congress, this Committee is the main UN body providing guidance in the field of crime prevention and criminal justice. It had evolved from a seven-member *ad hoc* Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders—created by the General Assembly in 1950 and appointed by the UN Secretary-

General, with limited functions, and later replaced by a more permanent Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders—to the present Committee on Crime Prevention and Control, a 27-member expert body reporting directly to the Economic and Social Council. Its members are elected by the Council from among candidates nominated by their Governments.

The Committee serves as the policy-making body for UN crime and justice activities and advises the Secretary-General, the Commission for Social Development and other UN organs in formulating programmes for international action in crime prevention and control. It recommends and often elaborates appropriate law enforcement measures, judicial procedures, correctional practices and other guidelines. It also promotes co-operation among UN bodies and discusses major issues related to the prevention and reduction of crime.

The Committee serves as the preparatory body for the UN Congresses. It regularly meets every two years in Vienna to report on progress made in implementing the resolutions of the Congresses. Before each Congress, regional and interregional meetings are organized to identify the main concerns and priorities of individual countries, and to provide information on salient issues that will be discussed by the Congress on the basis of working papers prepared by the Secretariat.

The Committee held its latest session from 5 to 16 February 1990, at which it recommended seven draft resolutions for adoption by the Council, and approved 11 legal instruments and 21 draft resolutions for consideration by the upcoming Eighth UN Congress on the Prevention of Crime and the Treatment of Offenders (see separate article on the Eighth Congress in this folder).

Crime Prevention and Criminal Justice Branch

The UN Crime Prevention and Criminal Justice Branch is the Secretariat unit entrusted with carrying out and co-ordinating UN activities in this field. It is part of the UN Centre for Social Development and Humanitarian Affairs, located at Vienna. The Branch serves as the central repository in the UN system of technical expertise in matters of crime prevention and criminal justice, criminal law reform and major criminological concerns. Working with other offices, organs and programmes of the UN system, it provides assistance in such fields as criminal law, criminal justice management, surveys and statistics, law enforcement, the judiciary, the role of lawyers and prosecuters, rehabilitation of offenders, protection of crime victims and juvenile justice.

The Branch carries out research and operational functions, promoting programmes of international co-operation and co-ordinating international action against transnational crime. It undertakes the day-to-day planning and co-ordination of the crime prevention and criminal justice programme, and supplies assistance urgently requested by developing countries. The Branch also services the Committee on Crime Prevention and Control. It develops guidelines and standards for the administration of justice, and it is a clearing-house for the exchange of information among a world-wide network of criminal justice institutes, researchers and practitioners. It provides advice and technical co-operation to help Member States implement UN recommendations and improve the effectiveness and fairness of criminal justice.

The Branch also arranges project formulation missions, supplies resident advisers and trainers (in co-operation with the UN Development Programme (UNDP)), implements training programmes, study tours and fellowships (in co-operation with the UN Department of Technical Co-operation for Development) and assists in the procurement of equipment.

Interregional and regional training and research institutes

United Nations research institutes play a major role in the dissemination of information on

criminal justice by organizing seminars and training courses and helping to identify issues that require the attention of Congresses. They are funded largely by the host Governments of the countries in which they are located, with some outside contributions.

The work of the institutes ranges from promoting law reform to training criminal justice personnel. They differ in size, funding level, facilities and emphasis, but they each serve groups of countries with common problems and traditions. Comprised of qualified and responsible professionals, they enjoy considerable independence.

In addition to a UN interregional institute in Rome, there are currently six UN or UN-affiliated institutes operating in various regions of the world.

UN Interregional Crime and Justice Research Institute

The predecessor body of the UN Interregional Crime and Justice Research Institute (UNICRI), was the UN Social Defence Research Institute (UNSDRI), first set up in Rome in 1968 to conduct research for the formulation and implementation of policies for crime prevention and control.

UNSDRI was restructured in May 1989, when the Economic and Social Council adopted the new Institute's statute, changing its role from pure research to include technical co-operation and work in all aspects of the administration of justice.

The Institute's objectives are: to contribute, through research, training, field activities and the collection, exchange and dissemination of information, to improved policies in the field of crime prevention and control, with due regard to their integration into broader policies for socio-economic change and development, and to protect human rights. The Institute assists governmental, intergovernmental and non-governmental organizations in their efforts in this regard.

Its technical co-operation projects consist of training and field activities aimed at assisting developing countries. A link has been formed with UNDP for projects ranging from the rehabilitation of juvenile delinquents and street children to security arrangements and training courses for the judiciary.

The Institute is governed by a Board of Trustees under the overall guidance of the Committee on Crime Prevention and Control. Seven of its members serve in their individual capacity, selected by that Committee upon nomination by the UN Secretary-General and endorsement by the Economic and Social Council. *Ex officio* members are a representative of the Secretary-General (normally the Head of the Crime Prevention and Criminal Justice Branch), a representative of the UNDP Administrator, a representative of the host country and the Institute's Director.

Regional training and research institutes

The UN *Asia and the Far East Institute for the Prevention of Crime and the Treatment of Offenders* (UNAFEI), in the Fuchu district of Tokyo, Japan, is the oldest UN regional institute (est. 1961). Its activities include the organization of numerous international training courses and seminars for criminal justice personnel on a regular basis. It also conducts research and publishes studies on the results and on other crime-related issues in order to bring about sounder social development in Asia and the Pacific region.

The UN *Latin American Institute for the Prevention of Crime and the Treatment of Offenders* (Spanish acronym, ILANUD), founded in 1975 at San José, Costa Rica, devises strategies for taking UN recommendations into account in national development programmes and promotes co-operation between the region's Governments. Like the other institutes, it organizes regular training courses and seminars on criminal justice systems and publishes articles and reports on its research.

The *Helsinki Institute for Crime Prevention and Control* (HEUNI), established in 1981, promotes co-operation among the countries of Europe and maintains exchange of information between Eastern and Western European nations. Seminars are

an important part of its work, and it has a publications series for dissemination of project reports, seminars and experts' contributions.

The statute of the UN *African Regional Institute for the Prevention of Crime and the Treatment of Offenders* (UNAFRI), headquartered at Kampala, Uganda, was adopted in 1988 by the UN Economic Commission for Africa, under whose auspices it operates, making it the newest of the regional UN institutes in this field. Its first activities have been the initiation of training courses and research, laying the groundwork for the collection of crime statistics, establishing a documentation centre and setting up a regional information network.

There are also other institutes which closely co-operate with the United Nations, namely:

The *Arab Security Studies and Training Centre* (Riyadh, Saudi Arabia) provides technical assistance, organizes training courses and expert meetings, conducts research and runs a regionally oriented information programme for the Arab world. A High Institute of Security Studies offers academic programmes leading to graduate certificates in a number of crime-related disciplines.

Although it was established in 1973, collaboration between the *Australian Institute of Criminology* (Canberra) and the UN is still in its early stages, a Memorandum of Understanding between the Institute and the Crime Prevention Branch having been signed in 1988. The Institute collaborates with the Branch in seminars and training courses, and with UNAFEI in data collection throughout the region.

The UN system at work

Advisory services and technical co-operation

A system of advisory services in policy formulation and personnel training in crime prevention and control has been in place since the earliest days of the Organization. The scope of advisory services was subsequently broadened, and they were eventually supplemented by much larger programmes of technical assistance, focusing increasingly on the needs of the developing countries. Unfortunately, demand constantly surpasses the capacity of the Organization to meet those needs. Consequently, many new technical assistance and advisory projects are being formulated with a view to obtaining support from donor countries, other UN programmes, departments and agencies and other organizations or private institutions. Large projects must be financed by UNDP or through a trust fund.

In most instances, assistance to Governments is given in the form of fellowships or the provision of experts. Commonly, the expert, with government support, singles out one or more persons within the country's criminal justice infrastructure to maintain primary responsibility for follow-through action.

In 1970, the position of Interregional Adviser was established within the Crime Prevention and Criminal Justice Branch to provide quicker and more flexible evaluation, research and planning services. The Advisers also undertake advisory missions of up to three weeks' duration to help implement UN standards and guidelines and plan national programmes. The Branch will also install resident advisers and trainers. Project formulation missions deal with specific crime prevention and control policy.

UN Trust Fund for Social Defence

The disbursements from this Trust Fund, set up in 1965, provide most of the funding for the UN Interregional Crime and Justice Research Institute and facilitate technical co-operation and the exchange of information and experience in the field of crime prevention and criminal justice. The Fund accepts donations from Governments and other sources to support its world-wide crime prevention and control efforts, but needs more contributions from UN Members. Currently, appeals are being made to revitalize the Fund. It represents a valuable, yet still insufficiently utilized, mechanism for channelling Member States' contributions.

UN crime and justice information network

The success of crime prevention efforts will increasingly depend on the application of computer technology as an integral part of crime prevention and criminal justice systems. The complexity of the problem of crime necessitates the use of sophisticated technology, of which electronic information processing is perhaps the best example.

Two important projects are the development of national and regional criminal justice data bases, and the establishment of a UN crime and justice information network.

The network is being developed to facilitate information exchange between Governments on criminal justice matters, and to create interlinkages among policy-makers, planners, practitioners, scholars and other experts, as well as national correspondents and research institutions. It is expected to ensure better use of the data base emanating from the world crime surveys; permit transfer of knowledge and research results; link documentation centres and libraries around the world; and support the establishment and expansion of computerized national and local criminal justice systems. Included in the development of national and regional data bases accessible within the network will be information on legislative reforms, research progress, findings and applicability, summaries of meetings, reports, monographs and other publications, including bibliographies, and lists of organizations and institutions active in the field.

The start of the information network was made possible through the co-operation of the School of Criminal Justice of the State University of New York at Albany. The network needs generous external assistance for its successful maintenance by the UN, and its further development will depend on the number of its users, the feedback received and the availability of additional resources required to keep it fully operational.

National correspondents

In 1950, the General Assembly first established a system of national correspondents, appointed by Governments to co-operate with the UN Secretariat in all matters concerning crime prevention and control. Their appointment is based on their professional or scientific expertise and experience. An increasing number of their activities are of a technical and scientific nature, such as conducting research, carrying out major regional and global surveys and preparing reports on developments in crime and juvenile delinquency and on criminal justice operations.

The First General Meeting of National Correspondents was held on the occasion of the Seventh UN Congress on the Prevention of Crime and the Treatment of Offenders. The Economic and Social Council has asked for such meetings of correspondents attending UN quinquennial Congresses. Member States were asked to appoint national correspondents from among experts, practitioners and policy-makers in the field, and UNDP was asked to provide liaison services between them and the Secretariat.

The number of Government-appointed national correspondents has considerably increased since the 1985 Congress, now representing 133 States.

Non-governmental organizations

A network of non-governmental organizations (NGOs) also deals with criminal justice topics and provides the Congresses with feedback from academic and professional communities working with law enforcement and criminology. The Alliances of Non-Governmental Organizations in Crime Prevention and Criminal Justice, located in Vienna and New York, are but one example of the many organizations that are actively involved in the Congresses.

Published by the United Nations Department of Public Information
DPI/1062—40605—June 1990—4M

THE UN CRIME CONGRESSES

5

In 1950 the United Nations General Assembly decided that an international Congress on the Prevention of Crime and the Treatment of Offenders should be convened every five years. These Congresses were to become the primary forum of the UN for the presentation and discussion of policies in crime prevention and criminal justice and an important stimulus to promoting work in these areas.

The Congresses were to be similar to those previously organized every five years by the International Penal and Penitentiary Commission (IPPC), whose functions were transferred to the United Nations in 1951, when the UN assumed leadership for the promotion of international work in the Commission's field.

Seven such UN quinquennial Congresses have been held—the first in 1955. Specialists such as criminologists, penologists, senior police officials, experts in criminal law, human rights and rehabilitation, as well as scholars, representatives of Governments, specialized agencies and intergovernmental and non-governmental organizations share experiences, seek viable solutions, establish sound policies and promote international co-operation in the field of crime prevention and criminal justice.

As the membership of the UN has grown, the nature of the Congresses has been transformed from an international meeting of crime experts and scholars to a full intergovernmental body with representation of States from all regions of the world.

First Congress

The First Congress was convened in 1955 at the Palais des Nations in Geneva. It was attended by 512 persons from 61 countries and territories, observers and representatives from intergovernmental and non-governmental organizations, and 235 individual participants. Predominantly concerned with delinquency among youths and the treatment of prisoners, whose numbers had swelled in the post-war years, it also discussed possibilities of "open" penal and correctional institutions, the selection and training of prison personnel and the proper use of prison labour.

Before transferring its responsibilities to the UN, IPPC had revised and expanded a set of rules it had prepared—and which the League of Nations had endorsed in 1934—setting standards for the treatment of prisoners. These revised Standard Minimum Rules for the Treatment of Prisoners were presented to the First UN Crime Congress, where they were adopted unanimously. The UN Economic and Social Council approved them two years later, setting out the minimum conditions accepted as suitable by the United Nations for the treatment of prisoners. They have become the prototype for many other international models, standards, norms and guidelines affecting the administration of criminal justice.

Second Congress

Crime resulting from social changes which accompanied the economic development of countries, including juvenile delinquency, which was again on the agenda, received the attention of the Second Crime Congress, held in London in 1960. More than 1,000 participants, almost half of them attending as individuals, arrived from more than 70 countries and territories.

The Congress also dealt with a broadening range of topics: new forms of juvenile delinquency and special police services that might help prevent such lawlessness; the impact of the mass media on juvenile deviancy; and the role of national planning in preventing crime. In addition, it considered the questions of short-term imprisonment and prison labour, and the treatment of prisoners

UNITED NATIONS

shortly before and after their release to help them make the transition from imprisonment to life in the community.

Third Congress

In 1965, the Third UN Congress met at Stockholm. The newly independent nations of the third world appeared for the first time as a powerful and positive force. The Congress had as its general theme the prevention of crime and delinquency. Representatives of 74 participating Governments, over 1,000 participants in all, set policy on such issues as: the relation between social change—urbanization, public opinion, education, migration—and criminality; social forces and the prevention of crime; preventive action by the community; combating recidivism; probation policies; and special preventive and treatment measures for young adults.

The need for promoting technical knowledge was stressed in the deliberations, as well as the need for imaginative approaches in developing national crime prevention policies, for effective co-ordination between researchers and practitioners and for an active role by the public in the prevention and control of crime.

Fourth Congress

Against a background of rising crime in many countries, more than 1,000 delegates and participants from 85 countries took part in the Fourth UN Congress, held at Kyoto in 1970—the first UN Congress to be held outside Europe. It adopted a Declaration stressing the need to take account in development planning of the effects of urbanization, industrialization and the technological revolution on the quality of life and on the human environment. "Crime and development" was the overall theme, and particular emphasis was placed on crime prevention policies being incorporated into development planning, research on social defence policies, and community-based prevention, i.e. participation of the public in preventing and controlling crime.

The Congress also discussed nation-by-nation implementation of the Standard Minimum Rules for the Treatment of Prisoners. A survey of Member States showed that the Rules had contributed a great deal towards ensuring basic human rights for millions of prisoners.

Fifth Congress

The theme of the Fifth UN Congress, held in 1975 at Geneva, was "Crime prevention and control—the challenge of the last quarter of the century". The nearly 1,000 representatives who attended—representing 101 countries and numerous organizations—addressed changes in forms and dimensions of growing national and transnational crime and violence, such as organized crime as a business, criminality stemming from drug and alcohol abuse and terrorism. The economic and social consequences of crime were examined, as was criminal legislation and other forms of crime control, victim compensation and the newly emerging roles of the police and other law enforcement agencies—not just in reacting to crime, but also in preventing it. The Congress adopted recommendations on such questions as the abuse of economic power, drug traffic, terrorism, theft and destruction of cultural property, interpersonal violence and changing expectations of police performance.

The Fifth Congress approved the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was adopted later that year by the General Assembly and led to the adoption in 1984 of a convention on that topic which entered into force in 1987; it obliges States parties to make torture a crime and prosecute and punish those guilty of it. The Fifth Congress also laid the basis for drawing up the Code of Conduct for Law Enforcement Officials, which was elaborated in the ensuing years by the Committee on Crime Prevention and Control and adopted by the General Assembly in 1979 (see separate article in this folder).

Sixth Congress

In 1980, for the first time in the history of the Congresses, the Sixth Congress met in a developing country—Venezuela. It was presented with the first detailed world-wide survey of crime, a UN study based on information received from 65 Member States and covering the period 1970 to 1975. The study revealed that the great majority of both developed and developing countries were facing an escalation of violence and criminality, whose new forms and dimensions were challenging traditional measures and means of coping with them.

"Crime prevention and the quality of life" was the overall theme. The UN norms and guidelines were recognized as important tools for Governments in their efforts to deal effectively with crime while preserving human rights. New perspectives had been discovered as to the relation between crime prevention and criminal justice and development, and the need for international co-operation was clearly identified. "Juvenile justice" was seen in a broader context, in the sense of assuring social justice for all children. Crime was examined in relation to abuses of power and how they affected human welfare.

The agenda also contained topics on crime trends and prevention strategies, and on the deinstitutionalization of correction and its implications for the prisoner. In addition to the representatives of the 101 States and many organizations that participated in the Congress, some 250 individual and UN experts participated in its work, at the invitation of the UN Secretary-General.

The Caracas Declaration, which emanated from the Congress, was the world's first comprehensive document to relate the concern for crime prevention to all other human concerns and efforts. The Declaration contained recommendations for standard minimum rules for juvenile justice, greater public participation, improved statistics and eradication of extra-legal executions. It was endorsed by the General Assembly in 1980.

Seventh Congress

Continuing the trend of expanding participation in the quinquennial Congresses, the Seventh UN Congress, held at Milan, Italy, in 1985, was attended by delegations from 125 States and observers from an ever-increasing number of organizations. It was held at a time when the international community was facing ominous rises in organized crime, violence and terrorism, and increasingly sophisticated means for committing offences. It addressed the criminal justice process, the rights of victims and youth crime, and it reviewed UN standards and norms in crime prevention and criminal justice. The theme of the Congress was "Crime prevention for freedom, justice, peace and development", and its major final document was the Milan Plan of Action for strengthening international co-operation in crime prevention and criminal justice, subsequently approved by the UN General Assembly. The Milan Plan provided concrete guidelines for more effective policies in the struggle against crime, and contained the elements of a world-wide programme for crime prevention and criminal justice, including the allocation of adequate resources, action-oriented research, and technical assistance to developing countries.

Five other major international instruments recommending action by Governments on the application of norms and standards in crime prevention and criminal justice were approved by consensus at the Seventh Congress:

—A set of Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order;

—Basic Principles on the Independence of the Judiciary;

—A Model Agreement on the Transfer of Foreign Prisoners and Recommendations on the Treatment of Foreign Prisoners;

—A Declaration on Basic Principles of Justice for Victims of Crime and Abuse of Power; and

—Standard Minimum Rules for the Administration of Juvenile Justice.

Later that same year, the UN General Assembly endorsed the first three texts and adopted the Declaration and the Standard Minimum Rules. (These instruments are discussed in a separate paper in this folder.) In addition, more than 20 resolutions were adopted, on such issues as terrorism, organized crime, drug traffic, domestic violence, prisoners' rights, alternatives to imprisonment, the role of lawyers and prosecutors and technical co-operation.

Published by the United Nations Department of Public Information
DPI/1062—40605—June 1990—4M

HUMANIZATION OF CRIMINAL JUSTICE

6

Setting international standards

Since its founding, the United Nations, drawing on the principles of the UN Charter, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and its Optional Protocol, has played a crucial role in the formulation of numerous international instruments in crime prevention and criminal justice. UN standards and guidelines form a set of policy rules whose moral importance and value as prototypes reflect the "conscience" of the international community.

The UN Congresses on the Prevention of Crime and the Treatment of Offenders have contributed greatly to this process of standard-setting, producing rules and guidelines aiming at promoting effective crime prevention policies and the humanization of criminal justice. Other standards have been drafted, proposed and approved by various other entities of the UN system.

Standards of general application

Milan Plan of Action

Adopted in 1985 at the Seventh Crime Congress, the Milan Plan of Action contains a set of recommendations for strengthening crime prevention activities nationally and internationally. The Plan calls for increased resources, greater co-operation and strengthened mechanisms for fighting crime and dispensing justice. Research and data-base capabilities should also be strengthened, crime in relation to human rights should be further studied, racial discrimination and other forms of oppression eradicated, action against terrorism given greater priority, illegal drug trafficking and drug abuse halted, exchanges of information and experience facilitated, co-ordination of work programmes improved and regional institutions and technological co-operation reinforced.

Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order

In 1981 the General Assembly asked the Committee on Crime Prevention and Control to give particular attention to current and emerging trends in the field when preparing the agenda for the Seventh (1985) Congress, with a view to defining new guiding principles for the future course of crime prevention and criminal justice in the context of development needs and the goals of the International Development Strategy for the Third United Nations Development Decade (the 1980s) and a New International Economic Order. In accordance with these Guiding Principles, adopted by the Milan Congress, the political, economic, social and cultural circumstances and traditions of each country are to be taken into account, as is the need for crime prevention and justice systems to be consonant with the principles of social justice. The Principles provide a comprehensive framework for more effective action in their field at all levels.

Human rights in the administration of justice

Capital punishment

The first world-wide instrument against capital punishment came into existence with the adoption by the General Assembly in 1989 of the text of a Second Optional Protocol to the International Covenant on Civil and Political Rights. Ratifying States parties would undertake not to carry out any more executions and to abolish the death

UNITED NATIONS

penalty within their jurisdiction—with an admissible reservation in time of war. It was opened for signature in February 1990 and was to enter into force when ratified by at least 10 States.

Safeguards Guaranteeing the Protection of the Rights of Those Facing the Death Penalty

The Safeguards, adopted by the Economic and Social Council in 1984 and endorsed by the 1985 Milan Congress, consist of nine provisions covering the basic guarantees to be respected in criminal justice proceedings, in the context of the right of offenders charged with a capital offence. These deal with, among other things, exemptions from capital punishment (for such persons as those under 18, pregnant women, new mothers or the insane); necessary evidentiary requirements; the right to benefit from lighter penalties under certain conditions, and to appeal and seek pardon; and suspension of capital executions. The Safeguards also state that capital punishment can be imposed only for the most serious crimes.

Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions

Bringing a halt to the practice of arbitrary and summary executions was the subject of efforts by a Special Rapporteur of the Commission on Human Rights, the UN Centre for Human Rights, Geneva, the Committee on Crime Prevention and Control, and the Crime Prevention and Criminal Justice Branch of the UN Centre for Social Development and Humanitarian Affairs, Vienna. Co-operative efforts produced a set of Principles addressing the prevention and investigation of such executions, and the Economic and Social Council, in 1989, recommended that the Principles be taken into account and respected by Governments within the framework of their national legislation and practices. The Principles recommend that Governments prohibit by law all extra-legal, arbitrary and summary executions. No one should be extradited to a country where he or she may become a victim of such executions. The Principles call for prompt, thorough and impartial investigation of all suspected cases, to be undertaken by offices or independent commissions set up to undertake such inquiries, and specific procedures and guidelines are set out for the conduct of these investigations. Those who participate in such executions should be brought to justice and victims' families should be entitled to fair compensation.

Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

This Declaration emanated from the deliberations of the Seventh UN Congress, and was adopted by the General Assembly later that year. It recommends measures to be taken at the international and regional levels to improve access to justice and fair treatment, restitution, compensation and social assistance to victims of crime, and it outlines the main steps to be taken to prevent victimization linked to abuses of power and to provide remedies for victims of such offences.

In 1989, the Economic and Social Council adopted procedures for the effective implementation of the Basic Principles.

Promoting the integrity and effectiveness of criminal justice

Many of the standards and norms established by the UN by which Member States may measure their conduct and practices in the field of crime prevention and treatment of offenders were drawn up with the aim of promoting the integrity and effectiveness of those States' criminal justice systems, to ensure that they operate fairly and with due respect for the human rights of the ac-

cused and the convicted. Some of these instruments are the following.

Standard Minimum Rules for the Treatment of Prisoners

These Rules, unanimously adopted in 1955 at the First UN Congress, embody the criteria of humanity, respect for human dignity, social purpose and managerial performance, which comprise a coherent and effective basis for the administration of prison systems. The Rules are also intended to guard against the mistreatment of prisoners, particularly in connection with the enforcement of discipline and the use of instruments of restraint in penal institutions. They were formulated to serve as a model for UN Member States in their practices and policies towards the treatment of offenders.

The Fifth UN Congress asked the UN to study the range of application of the Rules, that is, what kinds of detainees they pertained to, and to draw up recommendations on how the Rules should be made known and applied in the administration of national penal law. This led to extending the scope of the Rules by the addition in 1977 of a 95th rule, to protect persons arrested or imprisoned without charge by according them the same protection as persons under arrest or awaiting trial and prisoners under sentence. It also led to the adoption by the Economic and Social Council in 1984 of procedures to implement the Rules effectively, including procedures for reporting to the United Nations on their application.

Code of Conduct for Law Enforcement Officials

This eight-article Code of Conduct was adopted by the UN General Assembly in 1979, to be used as a framework for national legislation or practice as a body of principles to be observed by law enforcement officials. The potential for abuse by such officials in the exercise of their duties was recognized. Thus, the Code's underlying premise is that those who exercise police powers were to respect and protect human dignity and uphold the human rights of all persons. Torture, specifically, was prohibited, and force was authorized only when absolutely necessary. The Code also calls for full protection of the health of persons in custody.

In 1989, the Economic and Social Council adopted guidelines for the effective implementation of the Code.

Basic Principles on the Independence of the Judiciary

The Basic Principles, adopted by the Seventh Congress, held in Milan in 1985, emphasize that the independence of the judiciary should be guaranteed by the State and enshrined in the constitution or law of the country. Justice requires that everyone be entitled to a fair and public hearing by a competent, independent and impartial tribunal; an independent judiciary is indispensable for the implementation of this right.

In 1989, the Economic and Social Council adopted procedures for the effective implementation of the Basic Principles.

Model Agreement on the Transfer of Foreign Prisoners and Recommendations on the Treatment of Foreign Prisoners

The Model Agreement also emanated from the deliberations of the Milan Congress in 1985. It was intended to assist Member States to develop similar bilateral and multilateral arrangements facilitating the return of foreign prisoners to their home countries to serve their sentence. The UN Secretary-General was asked to assist States, if they so requested, in developing agreements on such transfers.

A recommendation on the treatment of foreign prisoners, also adopted by the Milan Congress, effectively complements the Model Agreement, containing practical guidelines to cope with the difficulties faced by foreigners detained in prisons abroad owing to such factors

as differences in language, culture, customs and religion.

Standard Minimum Rules for the Administration of Juvenile Justice

The Sixth (1980) UN Congress, held at Caracas, Venezuela, laid the basis for the elaboration of this set of Rules in order to protect the fundamental human rights of juveniles in trouble with the law. Following that Congress, work continued in the Committee on Crime Prevention and Control, in collaboration with the interregional and regional institutes and the UN Secretariat, and eventually the Rules were agreed upon at an Interregional Preparatory Meeting held at Beijing, China, in 1984.

Both the Milan Congress and the General Assembly approved them in 1985. They represent the minimum conditions accepted as suitable by the UN for the handling of juvenile offenders under any system of dealing with such persons.

Published by the United Nations Department of Public Information
DPI/1062—40605—June 1990—4M

THE EIGHTH UNITED NATIONS CRIME PREVENTION CONGRESS

7

To be held from 27 August to 7 September at the Palacio de Convenciones in Havana, Cuba, the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders will look to the future as it addresses its overall theme, "International co-operation in crime prevention and criminal justice for the 21st century".

The UN Crime Prevention Congresses, held every five years since 1955, are unique in that they bring together representatives of Governments, non-governmental and intergovernmental organizations and United Nations specialized agencies, as well as individual experts, to share experiences and make recommendations for national and international standards, policies and legislation.

The 1990 Congress will tackle not only the growing rate of traditional crime, but also the surge in new and sophisticated forms of transnational crime—terrorism, organized crime, drug trafficking, economic crimes, theft of archaeological treasures and dumping of hazardous wastes, to name just a few. Encouraging developments in the struggle include new law enforcement and criminal justice administration techniques, such as computer networks and provisions for seizing the financial proceeds of organized crime; greater awareness of the links between crime and socio-economic well-being; and an improved climate for international co-operation.

Agenda

The provisional agenda for the Eighth Congress consists of five general topics:

Topic 1: Crime and Development—Crime prevention and criminal justice in the context of development: realities and perspectives of international co-operation;

Topic 2: Prison and Alternatives—Criminal justice policies in relation to problems of imprisonment, other penal sanctions and possible alternative measures;

Topic 3: Organized Crime and Terrorism—Effective national and international action against: (*a*) organized crime; (*b*) terrorist criminal activities;

Topic 4: Juvenile Justice—Prevention of delinquency, juvenile justice and the protection of the young: policy approaches and directions;

Topic 5: United Nations Guidelines—UN norms and guidelines in crime prevention and criminal justice: implementation and priorities for further standard setting.

More specifically, the Congress is expected to consider a number of draft resolutions which were developed at preparatory meetings and reviewed by the UN Committee on Crime Prevention and Control as well as the Economic and Social Council. The subjects of these resolutions include:

- *Organized crime*—proposing guidelines for prevention and law enforcement at the national level, e.g. recommending new electronic surveillance techniques and legislation to control money laundering and organized fraud—plus international measures to control transborder criminal operations and the flow of illegally acquired capital;
- *International terrorism*—recommending measures on a number of related issues, including protection of vulnerable targets and of victims and witnesses, control of weapons and explosives, treatment of offenders, the role of the mass media and creation of an international criminal court;
- *Environmental protection*—calling on Governments to enact and enforce laws to preserve the ecosystem and natural resources, and to consider criminal legislation against the dumping of hazardous wastes and the operation of dangerous technical installations;
- *Prevention of urban crime*—suggesting national policies to improve child-care, support for single-parent families, opportunities for youth,

UNITED NATIONS

and urban housing, and to combat family violence and drug abuse;

▸ *International co-operation* in crime prevention and criminal justice—calling on Governments to devise regulatory mechanisms to prevent corruption and abuse of power by public officials, and to enact laws governing forfeiture of funds and property acquired through corrupt practices; also suggesting action on a wide range of other matters, including extradition, evidence-gathering, protection of witnesses, seizure of criminal bank accounts and control of money laundering;

▸ *Computerization of criminal justice*—requesting the UN Secretary-General to strengthen the global crime information network and establish a technical co-operation programme for computerization.

Other resolutions to be taken up concern: basic principles for the *treatment of prisoners*, calling for humane and non-discriminatory policies, and encouraging the abolition of solitary confinement; *management of criminal justice and development of sentencing policies*, recommending accountable prison management to deal with overcrowding, and sentencing policies in which imprisonment is considered a last resort; the *human rights of victims* of crime and abuse of power; and *review of the United Nations work programme* in crime prevention and criminal justice.

Also to be considered will be the establishment, under the auspices of the United Nations, of a *world foundation on crime prevention* and assistance to victims (see separate article in this folder).

Legal instruments and treaties

The Congress is also expected to finalize and recommend for adoption by the United Nations a number of draft instruments and treaties, as part of the ongoing effort to assist Governments in setting basic standards for the administration of justice. Among the legal texts to be reviewed are:

▸ *Standard minimum rules for the protection of juveniles deprived of their liberty*—affirming that detention of youth should be considered as a last resort and for the minimum period necessary, and setting standards for management of juvenile detention facilities, including staff qualifications and limitations on disciplinary measures;

▸ *Guidelines for the prevention of juvenile delinquency*—emphasizing the need for early measures by family, education system, community and mass media to prevent delinquency, to protect abused and neglected children and to divert young persons from the justice system;

▸ *A model treaty for the prevention of crimes that infringe the cultural heritage of peoples in the form of movable property*—outlawing the importation of cultural property, e.g. archaeological artifacts, if exported without authorization, and suggesting ways of cataloguing materials that should be protected;

▸ *Basic principles on the role of lawyers*—guaranteeing that all persons arrested or detained have access to a lawyer within 48 hours, and that lawyers are not threatened with prosecution for professional duties;

▸ *Guidelines on the role of prosecutors*—calling for Governments to ensure that prosecutors are free from intimidation or interference, and for prosecutors to carry out their duties impartially, with special attention to possible corruption and human rights violations by public officials;

▸ *Basic principles on the use of force and firearms by law enforcement officials*—specifying the circumstances under which officials may use various types of firearms and holding superior officers responsible for unlawful use of force by subordinates;

▸ *Standard minimum rules for non-custodial measures*—calling for greater use of alternatives to imprisonment, and taking stock of the alternatives that have been developed.

Also to be considered are model treaties on extradition and mutual assistance in criminal matters; and model agreements on: (*a*) the transfer of proceedings in criminal matters; and (*b*) the transfer of supervision of foreign offenders who have been conditionally sentenced or conditionally released.

Preparations for the Congress

The work programme for the Eighth Congress was developed in two series of preparatory meetings. Five expert group meetings, one on each of the five agenda items of the Congress, were held by the United Nations at Vienna, Austria, in 1988. Experts discussed emerging problems in each subject area and provided practical recommendations which were endorsed by the UN Committee on Crime Prevention and Control, as the preparatory body for the Congress, and the Economic and Social Council.

In addition, five regional preparatory meetings were held during 1989, attended by representatives of UN Member States, UN bodies and other intergovernmental and non-governmental organizations, and recognized national liberation movements. For the Asia region, the meeting was held at Bangkok, Thailand; for Europe and North America, at Helsinki, Finland; for Latin America, at San José, Costa Rica; for Western Asia, at Cairo, Egypt; and for Africa, at Addis Ababa, Ethiopia.

At its February 1990 session, the UN Committee on Crime Prevention and Control examined the results of the regional preparatory meetings and finalized preparations for the Congress, to be reviewed by the Economic and Social Council.

Overall co-ordination of activities in preparation for the Congress is the responsibility of the Crime Prevention and Criminal Justice Branch of the United Nations Centre for Social Development and Humanitarian Affairs, based at Vienna. Margaret Joan Anstee, Director-General of the United Nations Office at Vienna, has been designated as Secretary-General of the Congress, and Eduardo Vetere, Chief of the Branch, as Executive Secretary.

Published by the United Nations Department of Public Information
DPI/1062—40605—June 1990—4M

CRIME PREVENTION AND CONTROL: HOW CAN THE UNITED NATIONS DO MORE?

8

"There comes a time when good intentions stand alone as futile. There comes a time when human tragedy is so compounded that honest men and women must seek effective remedies or lose their self-respect. The tragedy is world-wide crime. . . . The time is overdue."

These powerful words, which prefaced a 1989 review of the UN work programme on crime prepared for the Committee on Crime Prevention and Control, reflect a growing concern among policy-makers. Facing burgeoning crime rates and the increasing "transnationalization" of crime, Governments and experts are questioning how to bridge the widening gap between global needs for technical, advisory and financial assistance and an international response described in the Committee's review as "grossly inadequate".

As the situation stands now, the review states, Governments wanting to request United Nations help in developing crime control programmes have had to face the reality that the UN is not equipped, in terms of personnel, structure or budget supplied by Member States, to offer such assistance.

Recognizing that resources will likely continue to be limited, the review suggests a structure in which a certain number of issues would be chosen for priority attention over specified periods, such as five years, a realistic work programme for each issue drawn up and implemented and results evaluated. The review also points out that, to have any reasonable chance of success, the programme must have an organizational structure and size in keeping with its functions, and suggests that the logical placement of such a programme would be either in a new UN agency established and maintained with separate funding, or in a new, major unit of the UN Secretariat.

Such a radical overhaul of the UN crime programme would require a significant commitment, both political and financial, from Member States. Over the years, however, repeated calls by UN policy-making bodies for the strengthening of the programme have elicited little support. How, then, to mobilize international support, especially funding? Some innovative suggestions recently made include drafting an international convention on crime prevention and criminal justice, and holding a summit or ministerial meeting on the subject. A related idea calls for establishing a world foundation on crime.

International convention on crime prevention

Aside from acknowledging the need for international co-operation in crime control and the leadership role of the United Nations, a convention might designate the agencies and channels for co-operation, requirements for information to be furnished by Governments, and mechanisms for providing technical assistance, training and other specific forms of co-operation, and for elaborating and implementing international agreements and standards. Concerning the form of the UN programme, a convention could determine the institutional structures required and the mechanisms for priority-setting, co-ordination and evaluation. The review of the UN work programme adopted by the Committee concluded that a "well-planned, carefully considered and meticulously drafted United Nations convention would provide an authoritative framework for the needed programme and the dynamics for its continuous development".

In discussing this issue, some participants at the eleventh session of the Committee on Crime Prevention and Control pointed out that a convention or new structure would not automatically ensure more funding, and that it might be more productive to strengthen directly existing UN crime programmes and bodies. Most participants,

UNITED NATIONS

however, agreed that a convention would serve to focus world attention on crime prevention.

Crime prevention summit

Along with the proposed convention, the idea of holding a summit or ministerial meeting on crime has sparked the imagination of a number of those seeking ways to mobilize support for international crime control efforts. Noting that the political will of Member States would be needed to create an effective crime prevention programme, the review of the UN work programme adopted by the Crime Prevention Committee concluded that "a summit meeting would be the most effective means of securing this political will", and of deciding whether a convention or other international instrument was needed.

Because the convening of a summit or adoption of a convention would have major political and financial ramifications, the Crime Prevention Committee decided that the Eighth Congress should forward the matter to the General Assembly. The draft resolution prepared for the Congress would recommend to the Assembly that it request the UN Secretary-General to form an expert working group to elaborate further an effective international crime programme. The Assembly would invite Member States to convene a summit or ministerial meeting to consider the programme and any convention or other instrument needed to develop it, and whether the programme would be placed within a major unit of the Secretariat or within a new United Nations agency. Pending that meeting, the Assembly would request the Secretary-General to consider upgrading the Crime Prevention Branch into a major unit of the Secretariat, thus giving more resources and prominence to its work.

World foundation on crime control

Another proposal for developing an effective international criminal justice programme—to which the Crime Prevention Committee recommended the Eighth Congress give favourable consideration—calls for the creation, under UN auspices, of a world foundation on crime control and assistance to victims. The goals of the foundation would be to mobilize financial resources for the programme, to raise global awareness of crime trends and victim issues, to provide financial assistance to Governments for crime control and to victims of international crimes and to fund scientific research.

The foundation would be funded by voluntary contributions from States and donations from non-governmental organizations, the private sector and individuals. Income would also be derived from the foundation's publications. Its Board of Trustees, which might include the heads of the regional and interregional institutes for crime prevention, would be appointed by the Committee on Crime Prevention and Control.

In the interim

Given the desperate need for an effective international programme and the time it will take to implement any of the major proposals described above, the Committee's review of the UN crime programme also identified a series of urgent interim measures that should be undertaken. In addition to the upgrading of the Crime Prevention and Criminal Justice Branch within the United Nations structure, the Committee suggested: an expansion of the UN advisory and technical co-operation activities; an energetic fund-raising campaign involving intensive consultations with Governments; and full operationalization of the computerized UN crime prevention and criminal justice information network. On the organizational level, the review suggested closer co-ordination among the regional and interregional crime prevention institutes and more effective functioning of the Crime Prevention Committee in policy development and co-ordination.

While the proposals outlined here for a more effective UN crime programme are still in the early stages of negotiation, it is significant that the issues have been raised and the political process

begun, no matter what the outcome. As the review of the UN programme states, "the envisaged summit and convention are not ends in themselves" but ways of expressing the collective determination of States to combat crime through the UN. The same could be said of the world foundation. While possible structures and the extent to which Governments are willing to support them need to be hammered out on the anvil of international diplomacy, it is becoming increasingly clear to all concerned that much more needs to be done, and soon.

Published by the United Nations Department of Public Information
DPI/1062—40605—June 1990—4M

NOTE TO CORRESPONDENTS

9

This information kit was issued by the United Nations Department of Public Information in the preparation for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders to be held in Havana, Cuba from 27 August to 7 September 1990.

Other publications by the Department of Public Information on the subject of crime control and prevention include:

"United Nations and Crime Control and Criminal Justice" (DPI/1045),
"Safeguards Guaranteeing the Protection of the Right of Those Facing the Death Penalty" (DPI/960),
"Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power" (DPI/895),
"Standard Minimum Rules for the Treatment of Prisoners" (DPI/832),
"Code of Conduct for Law Enforcement Officials" (DPI/665),
"Basic Principles on the Independence of the Judiciary" (DPI/958),
"Standard Minimum Rules for the Administration of Juvenile Justice" (DPI/896),
"Model Agreement on the Transfer of Foreign Prisoners and Recommendations on the Treatment of Foreign Prisoners" (DPI/957),
"The Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order" (DPI/959).

During the Congress, the following will also be organized:

- a journalist encounter;
- a research workshop on alternatives to imprisonment;
- a demonstration workshop on computerization of the criminal justice system;
- art shows and national exhibits.

Non-governmental organizations in consultative status with the Economic and Social Council and other professional organizations will hold ancillary meetings on issues relating to items of the provisional agenda.

Regular United Nations press and other media facilities will be available at the Congress. Journalists wishing to cover the Congress should apply for accreditation from the United Nations. Additional information is available from:

Information Officer
Eighth UN Crime Congress
Rm. S-1040
Department of Public Information
New York, NY 10017
United States of America
Telephone No.—(212) 963-1259
Telefax No.—(212) 963-4556

UNITED NATIONS

Published by the United Nations Department of Public Information
DPI/1062—40605—June 1990—4M

Published by the United Nations Department of Public Information
DPI/1062-40548-June 1990-5M